

1 **LAW OFFICE OF WAYNE A. SILVER**

2 Wayne A. Silver (108135)

3 643 Bair Island Road,

4 Suite 403

5 Redwood City, CA 94063

6 Phone: (650) 282-5970

7 Fax: (650) 282-5980

8 Email: ws@waynesilverlaw.com

9 *Attorney for KENNETH Y. KAI and*

10 *TAE K. KAI, Trustees of the Kai Family 1998 Trust*

11 **UNITED STATES BANKRUPTCY COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **SAN JOSE DIVISION**

14 In re:

15 HAWAIIAN RIVERBEND, LLC,

16 Debtor.

Case No.: 22-50314-SLJ

Chapter 11 (Sub-Chapter V)

Date: June 21, 2022

Time: 2:00 p.m.

Court: Hon. Steven L. Johnson

**\*\*\* Hearing to be conducted by  
Telephone or Video Conference**

17  
18 **DECLARATION OF WAYNE A. SILVER IN SUPPORT OF APPLICATION**  
19 **FOR ORDER SHORTENING TIME FOR NOTICE OF HEARING ON MOTION**  
20 **TO CONVERT CASE TO CHAPTER 7, OR IN THE ALTERNATIVE, FOR**  
21 **DISMISSAL WITH REFILE BAR**

22 I, Wayne A. Silver, hereby declare:

23 1. I am an attorney duly licensed by the State of California and admitted to practice in  
24 this Court. I am counsel for KENNETH Y. KAI and TAE K. KAI, Trustees of the Kai Family 1998  
25 Trust ("Kai"), secured creditors and interested parties in the above-captioned Case No.: 22-50314-  
26 SLJ ("Bankruptcy Case") of HAWAIIAN RIVERBEND, LLC ("HR LLC"), the Debtor in this  
27 Bankruptcy Case. I make this Declaration from facts based on my own personal knowledge, and  
28 could and would be able to so testify.

2. Kai filed a motion ("Motion") seeking either conversion of the Bankruptcy Case to

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Declaration of Wayne A. Silver in Support of Application for Order Shortening Time for Notice of  
Hearing on Motion to Convert Case to Chapter 7, Or in the Alternative, for Dismissal with Refiling  
Bar

1 Chapter 7 so that a Trustee can be appointed to perform on the Plan and sell HR LLC's sole asset, or  
2 dismissal of the Bankruptcy Case with a two-year refiling bar to prevent HR LLC and/or Miroyan  
3 from filing yet another bankruptcy case on the eve of the next foreclosure auction.

4 3. HR LLC is owned and controlled by Michael H. Miroyan ("Miroyan") HR LLC's  
5 sole member. Miroyan was asked to consent to the request for an order shortening time and service  
6 of notice of the hearing by electronic mail in an email I sent at approximately 5:30 p.m. on June 7,  
7 2022 to Michael Miroyan at: [mac8881@me.com](mailto:mac8881@me.com). Courtesy copies of the Motion were attached to the  
8 email

9 4. This email was also copied to HR LLC's counsel, who was granted permission to  
10 withdraw at the June 7<sup>th</sup> hearing. A copy of this email is attached as Exhibit "A."

11 5. I did not receive a response to this email.

12 I declare under penalty of perjury the foregoing is true and correct. Executed on June 8, 2022,  
13 at Sunnyvale, California.

14 /s/ Wayne A. Silver

15 Wayne A. Silver  
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# EXHIBIT “A”



Wayne Silver &lt;ws@waynesilverlaw.com&gt;

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**In re: HAWAIIAN RIVERBEND, LLC, Case No.: 22-50314-SLJ**

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**Wayne Silver** <ws@waynesilverlaw.com>

Tue, Jun 7, 2022 at 5:29 PM

To: michael.berger@bankruptcypower.com, michael.berger@ecf.courtdrive.com, Michael Miroyan &lt;mac8881@me.com&gt;

Good afternoon-

Please advise if you will consent to having the Kai Motion to Convert or Dismiss with a Refiling Bar heard on June 21st, 2022, with opposition due June 16th. Counsel was served yesterday by email and ECF Notice.

File endorsed copies are attached for Mr. Moryian.

Thank you.

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**3 attachments****Convert Motion.pdf**

148K

**Convert RJN.pdf**

5630K

**Shannon Decl Efile.pdf**

1883K